

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ROSY GIRON DE REYES, *et al.*,

Plaintiffs,

vs.

WAPLES MOBILE HOME PARK LIMITED
PARTNERSHIP, *et al.*,

Defendants.

Civ. No. 1:16-cv-00563 (LO/TCB)

**MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Local Civil Rule 5, Plaintiffs submit this memorandum in support of Defendants' Motion to File Documents under Seal [Dkt. No. 381]. Plaintiffs support Defendants' request to file under seal the exhibits to their Oppositions to Plaintiffs' motion *in limine* as described therein. The exhibits consist of discovery responses that Plaintiffs designated confidential pursuant to the Protective Order (Dkt. 45) describing sensitive personal information including but not limited to their immigration status and immigration history.

Ashcraft v. Conoco, Inc., 218 F.3d 282, 288 (4th Cir. 2000), held that documents may be sealed pursuant to district court order when the court: (1) provides notice to the public and gives it an opportunity to object to sealing, (2) considers less drastic alternatives, and (3) provides specific findings in support of the decision to seal and the rejection of alternatives. Those requirements are met here.

First, Defendants properly filed a Notice of Motion [Dkt. No. 383] providing the public with an opportunity to object to the sealing of the documents in question; no objections were filed.

Second, this Court has found that there is good cause to file documents containing personal identifying information under seal, or with the personal identifying information redacted. *See, e.g.*, Dkt. Nos. 351, 354 (granting similar Motions to Seal in this case); *The Radiance Found., Inc. v. Nat'l Ass'n for the Advancement of Colored People*, No. 2:13-cv-53, 2013 WL 12433124, at *1 (E.D. Va. Dec. 4, 2013) (granting motion to seal “confidential information, including personal identifying information such as phone numbers, names, and e-mail addresses which have been designated as protected information”). Courts have also found it appropriate to seal other categories private information where it has no relation to the issues pending in the matter. *See, e.g.*, *Rothman v. Snyder*, 2020 WL 7395488, at *4 (D. Md. Dec. 17, 2020) (sealing phone records, call logs, and text messages of nonparties as “private information”). Such is the case with many of Defendants’ exhibits here.

Third, specific reasons exist to justify the rejection of alternatives. Redacting or sealing the documents is the only way preserve the Plaintiffs’ and other individuals’ privacy interest in their personal identifying information and other private information. It also is the only way to protect them from undue harassment, including due to Plaintiffs’ immigration status. Accordingly, the utmost discretion and confidentiality is necessary, and the documents Defendants have identified in their Motion to Seal should be kept redacted or under seal.

For these reasons, Plaintiffs respectfully request that the Court grant Defendants’ Motion to File Document under Seal [Dkt. No. 381].

Respectfully submitted,

Date: June 14, 2021

//s//

LEGAL AID JUSTICE CENTER
Simon Sandoval-Moshenberg, VSB #77110
simon@justice4all.org
6066 Leesburg Pike, Suite 520
Falls Church, VA 22041
Phone: (703) 778-3450
Fax: (703) 778-3454

Counsel for Plaintiffs

Certificate of Service

I hereby certify that on this 14th day of June, 2021, I caused the foregoing, along with all attachments thereto, to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to all counsel of record.

//s//

Simon Sandoval-Moshenberg (VSB No. 77110)
simon@justice4all.org
Legal Aid Justice Center
6066 Leesburg Pike, Suite 520
Falls Church, VA 22041
Tel: (703) 720-5605
Fax: (703) 778-3454